

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

and

CENTRAL SCHOOL DISTRICT,
OAH CASE NUMBER 2021070303
OAH CASE NUMBER 2021061017

ORDER GRANTING MOTION TO AMEND COMPLAINT

SEPTEMBER 23, 2021

On June 29, 2021, Central School District filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH. On July 9, 2021, Student filed a Due Process Complaint, with OAH, naming Central School District. On July 20, 2021, the cases were consolidated. On September 23, 2021, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. On September 23, 2021, Central filed a non-opposition.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or

when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend was filed more than five days prior to the due process hearing and OAH has received written consent to the amendment. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. The prior determination regarding the primary case remains the same. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Rita Defilippis

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Administrative Law Judge

Office of Administrative Hearings